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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
098417-610012

First named inventor: William H. Thesling

Application No.: 09/954,698

Art Unit: 2133

RECEIVED  
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AUG 12 2004

Filed: September 11, 2001

Examiner: Phung M. Chung

Title: Soft Input - Soft Output Forward Error Correction Decoding For Turbo Codes

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX: (703) 872-9306

OFFICIAL

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1330 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ 1630.

has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SFND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PAGE 4/16 \* RCV'D AT 8/12/2004 4:11:27 PM [Eastern Daylight Time]\* SVR:USPTO-EFXRF-1/1 \* DNI:8729306 \* CSID:2165790212 \* DURATION (mm:ss):05:20

PTO/SB/64 (08-03)

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## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

August 12, 2004

Date

Signature

Telephone  
Number: 216/586-1162

Paul E. Franz, Esq.

Typed or printed name

901 Lakeside Avenue

Address

Cleveland, OH 44114-1190

Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: PTOL-85 Form: Comments Regarding 37 CFR 1.137(b) Petition

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

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August 12, 2004

Date

Signature

Jacqueline M. O'Brien  
Type or printed name of person signing certificate

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 2133 )  
Examiner: Phung M. Chung )  
Inventor: William H. Thesling )  
Serial No.: 09/954,698 )  
Filed: September 11, 2001 )  
Title: Soft Input - Soft Output Forward )  
Error Correction Decoding For )  
Turbo Codes )

**COMMENTS REGARDING  
37 C.F.R. § 1.137(b) PETITION**

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I hereby certify that this correspondence is being transmitted via Facsimile to United States Patent & Trademark Office Facsimile Number (703) 872-9306 on August 12, 2004

Printed name of person signing this certificate: Jacqueline M. O'Brien

Signature: Jacqueline M. O'Brien

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

These comments are presented because the Revocation of Power of Attorney With New Power Of Attorney And Change of Correspondence Address filed on July 27, 2004, a copy of which is attached hereto as Exhibit A, has not been entered into the file history at the time of filing this Petition, and because the undersigned was not the practitioner responsible for prosecuting the application at the time of abandonment.

The instant application was formerly handled by the law firm of Arter & Hadden, LLP. In July 2003, Arter & Hadden ceased operations and returned the instant case to the Applicant.

On July 15, 2004, the Applicant requested that the undersigned check on the status of the instant application. The undersigned checked the status of the instant application on the Patent Application Information Retrieval (PAIR) portal and determined that a Notice of Allowance was mailed on April 2, 2004 and that the issue fee was due by July 2, 2004.

The Applicant stated that they had not received the Notice of Allowance and were not aware that an issue fee was due. The Applicant then transferred the instant case to the law firm of Jones Day, delivered the instant case file to the undersigned, and filed a Revocation of Power of Attorney With New Power Of Attorney And Change of Correspondence Address on July 27, 2004. The undersigned is an attorney associated with the Jones Day customer number 24325.

The undersigned contacted the Applicant's former attorney, now with the law firm of Tucker, Ellis & West. The customer number of Arter & Hadden was transferred to the law firm of Tucker, Ellis & West, and thus the correspondence address was changed to Tucker, Ellis & West. However, the Applicant's former attorney stated that the Applicant was not a client of Tucker, Ellis & West, and that Tucker, Ellis & West could not verify that the Notice of Allowance was forwarded to the Applicant. The undersigned then obtained a copy of the prosecution history of the instant application on August 6, 2004 in order to obtain a copy of the Notice of Allowance.

Due to the closing of Applicant's previous law firm handling this matter, it is unclear as to which former practitioner was responsible for prosecuting the application at the time of the abandonment. The undersigned contacted the Office of Petitions on August 12, 2004, and spoke to Mr. Irvin Dingle regarding the signature requirements. The Office of Petitions suggested that the undersigned sign the petition, provided that the undersigned submit these comments with the

petition for consideration. Accordingly, the undersigned has signed the 37 C.F.R. 1.137(b) petition.

The Office of Petitions may direct any questions to the undersigned at 216-586-1162.

Respectfully submitted,

JONES DAY  
Attorneys for Applicant

Date: Aug. 12, 2004

By:   
Paul E. Franz  
Reg. No. 45,910

North Point  
901 Lakeside Ave.  
Cleveland, Ohio 44114  
Phone (216) 586-1162

**Exhibit A**



## Auto-Reply Facsimile Transmission

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Facsimile: (216) 670-0212  
jobrien@jonesday.com

July 27, 2004

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PAGE 1A \* RCVD AT 10:22AM 23/12/04 [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/1 \* DNIS:8729306 \* CSID:2165790212 \* DURATION (mm:ss):05:20

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CAM No.: 098417-810001 (09/954,698)

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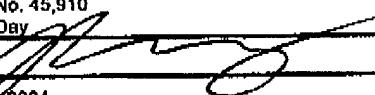
(to be used for all correspondence after initial filing)

		Application Number	09/954,698
		Filing Date	September 11, 2001
		First Named Inventor	William H. Thesling
		Art Unit	2133
		Examiner Name	Phung M. Chung
Total Number of Pages in This Submission	3	Attorney Docket Number	098417-610

**ENCLOSURES (Check all that apply)**

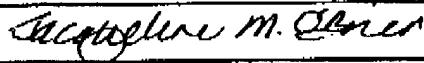
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Paul E. Franz, Esq. Regn. No. 45,910 Jones Day
Signature	
Date	July 27, 2004

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Signature	
	Date July 27, 2004

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Application Number	09/954,698
Filing Date	September 11, 2001
First Named Inventor	William H. Thesling
Art Unit	2133
Examiner Name	Phung M. Chung
Attorney Docket Number	

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I hereby revoke all previous powers of attorney given in the above-identified application.

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I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name Frank W. SchosslerSignature Frank W. SchosslerDate 7/27/2004

Telephone (216) 635-1610

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of 2 forms are submitted.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: William H. Thesling

Application No./Patent No.: 09/954,698 Filed/Issue Date: September 11, 2001

Entitled: Soft Input - Soft Output Forward Error Correction Decoding for Turbo Codes

Efficient Channel Coding, Inc.  corporation  
(Name of Assignee)

states that it is:

1.  the assignee of the entire right, title, and interest; or2.  an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012617, Frame 0529, or for which a copy thereof is attached.**OR**B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

7/27/2004

Date

(216) 635-1610

Telephone number

Frank W. Schossler

Typed or printed name

Frank W. Schossler

Signature

Chief Operating Officer

Title

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